S.B.CIVIL TRANSFER PETITION NO.15/2007

Asha. vs. Mahesh.

DATE OF ORDER ::: 16.4.2007

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr.DS Beniwal, for the petitioner.

Mr.NK Vyas, for the respondent.

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Heard learned counsel for the parties.

The petitioner, wife of the respondent, has filed this petition for transfer of the divorce petition no.5/2007 filed by the respondent and which is pending in the Court of District Judge, Pali.

The petitioner submitted that she is residing at Ajmer. She has levelled few allegations against the respondent and stated that she has lodged criminal complaint under Sections 498A and 406 IPC at Police Station, Ajmer. She has also filed an application under Section 125 Cr.P.C. in the year 2006 which is also pending in the Family Court, Ajmer. The respondent has filed a divorce petition at Pali in the year 2007. She

further submitted that she is dependent on her father and she has apprehension of her security in case she goes to Pali for contesting the case.

Learned counsel for the respondent vehemently submitted that the petitioner herself left the matrimonial home in the year 2003 and she remained silent for long period and filed false cases against the respondent. In these circumstances, the petitioner wants to dictate her terms whereas the respondent has filed the petition in proper court.

I considered the submissions of learned counsel for the parties.

In view of the fact that the petitioner is a young lady residing at Ajmer and there are two cases pending at Ajmer and the respondent is able bodied person and looking to the overall facts and circumstances, it is a fit case for transferring the divorce petition filed by the respondent from Pali to Ajmer.

In view of the above, this transfer petition is allowed, the Civil Misc. Case No.5/2007 (Mahesh vs. Asha) filed under Section 13 of the Hindu Marriage Act pending in the Court of District Judge, Pali is hereby withdrawn and is transferred to the Family Court, Ajmer

for deciding the same in accordance with law.

Both the parties are directed to appear before the Family Court, Ajmer on 7.5.2007.

(PRAKASH TATIA), J.

S.Phophaliya